

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JIMMY BARFIELD,

Plaintiff,

vs.

MIDTOWN GAS AND GROCERY,
et al.,

Defendants.

8:16-CV-19

ORDER

This matter is before the Court on the Magistrate Judge's Findings, Recommendation, and Order ([filing 16](#)) recommending that the defendants' motion to dismiss ([filing 9](#)) be granted. The plaintiff has not moved for leave to file an amended complaint as provided for by the Magistrate Judge's order, *see* [filing 16 at 5-6](#), nor has the plaintiff objected to the Magistrate Judge's findings and recommendation. *See* [NECivR 72.2](#). The Magistrate Judge's order expressly informed the plaintiff that "failing to file an objection to this recommendation as provided in the local rules of this court may be held to be a waiver of any right to appeal the court's adoption of the recommendation." [Filing 16 at 6](#); *see* [NECivR 72.2\(f\)](#).

[28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review only when a party objected to the magistrate's findings or recommendations. *Peretz v. United States*, 501 U.S. 923 (1991). The failure to file an objection eliminates not only the need for de novo review, but *any* review by the Court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009). Accordingly, the Court will adopt the Magistrate Judge's findings and recommendation and grant the defendants' motion to dismiss.

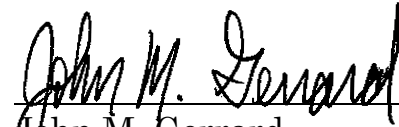
IT IS ORDERED:

1. The Magistrate Judge's findings and recommendation ([filing 16](#)) are adopted.
2. The defendants' motion to dismiss ([filing 9](#)) is granted.
3. The plaintiff's complaint is dismissed.

4. A separate judgment will be entered.

Dated this 7th day of September, 2016.

BY THE COURT:



John M. Gerrard
United States District Judge